

Implementation Team Meeting Notes

July 6, 2006

1. Greetings and Introductions.

Today's Implementation Team meeting was chaired by John Palensky and facilitated by Robin Harkless. The following is a summary (not a verbatim transcript) of the topics discussed and decisions made at this meeting. Anyone with questions or comments about these notes should contact Kathy Ceballos at 503-230-5420.

2. Updates.

A. In-Season Management (TMT). Cathy Hlebechuk said the spring flow objective was 260 Kcfs at McNary; 325 Kcfs was the actual seasonal average flow. The spring objective was 100 Kcfs at Lower Granite; actual seasonal average flows were 125 Kcfs. The spring objective was 135 Kcfs at Priest Rapids; actual average flow was 195 Kcfs.

Dworshak's elevation was 1598.3 feet last night, 1.7 feet from full pool; its discharge was increased to full powerhouse capacity after yesterday's TMT conference call, due to high water temperatures in the lower Snake River. We're trying to get as much cold water as we can from Dworshak, with all three units operating in undershot mode. Dworshak is releasing about 9.5 Kcfs at 43 degrees F. Hlebechuk noted that Dworshak outflow had been reduced to 4.2 Kcfs at the end of last week, in an effort to conserve water; however, the weather was warmer than forecast, and water temperatures began creeping upward again, hence the increase to full powerhouse capacity. It takes about three days for the cold water to make its way downstream from Dworshak to the Lower Granite tailrace, she added.

Grand Coulee nearly filled to elevation 1289.5 feet on July 4th, Hlebechuk continued. It is drafting slightly to meet 200 Kcfs summer flow objective at McNary on a week-average basis. At Lower Granite, 54 Kcfs is the summer season flow target, but actual flows are now in the 44-45 Kcfs range. Flows are tapering off quickly, in other words, Hlebechuk said. The important thing in the Snake River is to try to maintain the water temperature range at or below the WA water quality standard with the available volume of cold water you have at Dworshak, Jim Ruff observed. That's true, but maintaining adequate flow is also important, Hlebechuk replied. The group briefly discussed the water temperature concerns at Dworshak National Fish Hatchery; Hlebechuk said the TMT will be revisiting the release temperature issue at Dworshak in a conference call this Friday.

B. System Configuration Team (SCT). Bill Hevlin, NOAA, gave an update on the SCT's work on the CRFM budget prioritization process. The team updated and finalized its criteria for ranking projects, which Bill suggested would improve the process and add transparency. He noted that during the week of July 10th there would be two caucuses – one state/tribal and the other federal to score the projects. Each work item in the budget will be given a score by each of the SCT members, and then the totals will be averaged to give a preliminary ranking. SCT will discuss the preliminary ranked list at its next meeting on July 20. Congressional appropriations for the FY07-09 CRFM budget have not yet been finalized.

Ruff said that, at next week's Council meeting in Montana, he will be providing an overview of the CRFM program, and discuss the FY'07 CRFM ranking process. Following the Council meeting, I will convey their comments to the SCT. Basically, I'm going to identify what the major CRFM projects are, and try to get some feedback from the Council before the SCT makes its final recommendations, Ruff said. We will revisit the status of SCT prioritization process at the IT's September meeting, Harkless said.

C. Water Quality Team (WQT). Mark Schneider said the Water Quality Team has been discussing dissolved gas issues in the lower Columbia River. We will be talking with Joe Leary of the Lower Columbia Estuary Partnership at our meeting next week, about LCREP's monitoring work in the lower river, he said; we will also be discussing the Oregon gas waiver, which is due to expire after the 2007 season. At that meeting, we will also hear from Margaret Filardo about biological monitoring/GBT observations in the system in 2006, Schneider said. It would be appropriate for the WQT to look at what has transpired in the system in spring 2006 with regard to gas levels and whether any GBT was noted, and let us know if any problem areas existed, said Ruff. Schneider added that the WQT will also be discussing the Corps' draft water quality report at its meeting on Monday.

With respect to the issue of dissolved gas below Bonneville Dam, has the WQT discussed moving the monitoring station in the tailrace at that project? Ruff asked. Not yet, but that discussion will probably begin on Monday, Schneider replied – the Cascades Island station is highly sensitive to spill volume, spill pattern and other factors. We have had some discussions on the subject of the correct placement of that tailrace monitor, but will be discussing it further, he said; we will provide a report at a future IT meeting.

D. Independent Scientific Advisory Board (ISAB) -- no report.

E. BiOp Litigation Update. Mark Eames reported that the National Wildlife Federation v. NMFS lawsuit is ongoing before Judge Redden, as is the case concerning the NMFS BiOp covering the Bureau's Upper Snake projects, which is referred to as American Rivers v. NOAA Fisheries. With respect to the first case, there are two processes going on with regarding the remand. The federal agencies filed their third

status report to the court on Monday July 3; there is a week-long comment period, after which we expect Judge Redden to schedule a status conference later in July to discuss the update and any comments received. Also, as you're aware, Judge Redden has ordered various spill operations for 2006, and required the Corps to file monthly status reports on the spill program. The next one is due on July 7.

With respect to the American Rivers case, Judge Redden ruled that he was going to remand the 2005 Upper Snake BiOp because of some of the same problems he found with the FCRPS BiOp. He called for comments about what sort of procedures to implement for that remand. While he was considering those, the plaintiffs asked Judge Redden to reconsider a portion of his decision concerning the BiOp segregation issue. Motions have been filed in opposition to the motion for reconsideration, and we're waiting to find out how the Judge intends to handle these motions, Eames said. When is the plaintiff's reply brief due? Rock Peters asked. I believe it's early next week – soon, in other words, Eames replied. With respect to the comments on the remand procedures, none have been filed yet, Eames added.

With respect to the 9th Circuit appeal process on the FCRPS BiOp, the appeal is fully briefed and argued, and the ball is in the 9th Circuit's court, Eames said. We don't expect to see anything from the Court before the end of the summer, he said. What's the next step in the status report on the remand process – has the judge set a hearing date? Jim Litchfield asked. The next step is for the other parties to file their comments on the status report, Eames replied; they're due next Tuesday, and after that, Judge Redden will schedule a status conference to discuss them. We'll get a further update on this topic at the September IT meeting, Harkless said.

E. Corps Snake River Fall Chinook Study. Eric Braun said there is now a draft system flood control study plan available; it includes proposed ways to address and resolve some of the difficult long-term issues associated with that study. It does try to resolve some issues, he said, noting that a meeting of the group is scheduled for July 11 to discuss these issues. He said he will provide another update at the next IT meeting.

F. Corps System Flood Control Study. Braun said bit more internal discussion is needed within the Corps to decide on the best direction for this study. Those internal discussions will likely begin in earnest again following discussion of this issue in the remand policy work group, he said, noting that many comments have been received on the study to date.

3. Montana SOR Resolution.

Harkless noted that the basic issues surrounding this SOR have already been thoroughly vetted by both the IT and the TMT. Jim Litchfield distributed a pair of letters Montana has received from two other parties in the region, supporting the Montana SOR. These letters recognize the difficult tradeoffs that have to be made here,

Litchfield said, but the implementation of Montana's requested operation is very important to the State of Montana, and we hope it will receive full consideration.

Dave Statler said that if there are any questions about the Nez Perce letter, he will be happy to address them. He went briefly through its contents, noting that it expresses the tribes' hopes that it will be possible to craft an operation that meets Montana's needs without detrimentally impacting downstream flows this summer. The need to balance the requirements of resident and anadromous species is a very serious issue for the region, he said; it is a challenge that will require creative thinking to solve.

The concept of no net effect is a challenging one, Litchfield said. Do you feel that the changes made to Dworshak meet that test? That is an unrelated issue, and I think we should just leave it at that for now, Greg Haller replied.

The group briefly discussed the Dworshak operation, and the challenges inherent in providing temperature control to the Lower Snake and meeting the needs of fish rearing in the Clearwater River. Litchfield said that, in his opinion, the challenges inherent in the operation of Dworshak Reservoir are very similar to those facing Montana. I appreciate where you're coming from, Haller replied; we did move some water to September, but that operation was based on a settlement agreement. Plus we didn't change the total volume delivered from Dworshak, he noted – we simply changed the timing of its delivery.

Palensky said he had promised, at last week's IT conference call, that he would come to today's meeting prepared to make a decision on this issue. He noted that the purpose of the Regional Forum is to seek consensus on operations to implement the Biological Opinion, taking into account the Council's Mainstem Amendments to the fullest extent possible. The way the process has worked in the past is, when we can't come to consensus, NOAA has generally been in the position of making a recommendation to the action agencies as to what operation would be best, in terms of BiOp implementation. It is then up to the Corps, Reclamation and Bonneville to make the final decision.

That said, I met with Bob Lohn and he expressed his hope that we could find at least common ground – not necessarily consensus, but at least a large degree of regional agreement, so that we could craft an operation that will allow us to implement Montana's requested operation as fully as possible. Not hearing that any of the positions have changed substantially, Palensky said, I would ask Bob Heinith whether the three CRITFC tribes are still opposed to the MT SOR. Correct, Bob Heinith replied. Boyce said the State of Oregon also opposes the Montana operation.

That being the case, NOAA believes that the impacts are not large on anadromous fish, Palensky said. We had hoped to reach technical consensus, but apparently that's not possible. So we're not going to recommend to the action agencies that they implement the SOR this year, Palensky said, but if they choose to do so, we

will not oppose it. This is an issue that likely will be addressed in the BiOp remand process, Palensky said, but for this year, that is NOAA's position.

Palensky said Paul Wagner had developed a possible compromise operation for this year. We have not yet explored alternative operations with anyone yet, Palensky said, but would like to continue to pursue them through the TMT process. I would hope that in the spirit of collaboration that some of those who object to the SOR in its entirety will be willing to explore alternatives. In short, we will not recommend to the action agencies that they implement the SOR, but will not object if they choose to do so.

Lori Postlethwait said Reclamation is not prepared to go forward with the SOR this year in light of the ongoing litigation. We encourage Montana to continue to pursue implementation of its operation through the Policy Working Group.

The Montana SOR is also included in the Regional Coalition's flow proposal, Sue Ireland noted.

Kim Fodrea said Bonneville thinks the Montana SOR has merit, and lean in favor of implementing it. We recognize, however, that we need more substantial regional agreement on it, she said.

Peters said the Corps technically supports the Montana SOR. I am concerned on a couple of issues – first, that we have been unable to come to agreement on the SOR again this year at IT or TMT, Peters said. In the absence of substantial regional agreement, however, we support continuing to explore the potential operational options, including the Libby-Arrow flow swap, but right now, there doesn't appear to be the capability to do that. We can't get them in place in such short order, Peters said.

With respect to IT, he continued, it is disappointing that we couldn't come to agreement on the best option, from a policy perspective. I would really encourage the IT to continue to work on this issue. The Corps very much supports working on this proposal through the Policy Working Group and remand processes, he added. At this time, the Corps does not intend to implement the Montana SOR in 2006, Peters said.

What about the suggestion that we continue to pursue operational options through the TMT? Mark Bagdovitz asked. The Corps supports that concept, Peters replied. Bagdovitz thanked Montana for their hard work in preparing this SOR. This is a different kind of year, he said – the spring spill impacts to resident fish were something we haven't seen for awhile, because of the high flows below Libby Dam. This isn't the same kind of operation we've had for the past several years, he said. I was also encouraged by the fact that FPAC started to come up with an operation that would enjoy broader regional support, he said; while they weren't entirely successful, perhaps we can throw that back to FPAC or TMT in an effort to give Montana what it needs, if not everything it wants. In short, Bagdovitz said, let's not give up on this issue for this year.

Jim Ruff said he would like to second that proposal – I would like to see if there is a possible alternative operation that will meet the needs of all the life-stages of both anadromous and resident fish, and come closer to meeting the parameters of the operation laid out in the Council's Mainstem Amendments. I view the remand PWG discussions as leading to a potential long-term solution; it will not bear fruit for this summer. So it makes a lot of sense for TMT to pursue a compromise solution that will meet the needs of both Montana and the salmon managers, he said. However, for this to work we all need to be on the same page – in support of the need to develop a potential compromise operation for this summer.

I agree with Jim in the sense that the TMT needs to take this over, Hlebechuk said. If we can't find any make-up water, however, it's not going to do a lot of good to discuss it further at TMT, she said. I think we've heard fairly clearly that there likely won't be any make-up water available, Ruff said – what I'm suggesting is for the region to look at changes in operation at Libby and Hungry Horse, similar to what was done to benefit resident fish in Montana in 2004. I'd like to see an operation developed with a lower flow than the 18 Kcfs that is being released from Libby right now, he said. The key, in that case, was that someone had the guts to make a decision in 2004 and stick to it, Litchfield said.

In the modeling that has been done for the remand, it shows a very positive effect on Hungry Horse, in implementing the Council's Mainstem Amendments, in terms of keeping the project closer to upper rule curve, with benefits for spring flows the following year. We agree, and I should add that Reclamation does not oppose the Montana SOR on its technical merits, Postlethwait replied.

It sounds, then, as though we need a commitment, before we leave today, that the TMT members will be willing to explore alternative operations of the MT projects in a spirit of cooperation – otherwise we're wasting our time, Harkless said. The group briefly discussed FPAC's efforts to craft a compromise Montana SOR for 2006, as well as the TMT process. It sounds as though it will not be possible to implement this with zero impact, Palensky observed – is there a compromise operation that, while not meeting everyone's needs fully, might be acceptable to the region? We could pursue the possibility of the release of some non-treaty storage with the Canadian parties, Bob Heinith suggested. We have discussed that with the Canadians, and with respect to this particular SOR, the answer from Canada was no, Fodrea said.

It may be a short discussion, but I still think TMT needs to take this topic up, Palensky said – NOAA believes that there are still compromise operations available that will at least extend the draft of the Montana projects into September, as well as provide salmon flows. My concern is that the positions of many of the TMT members are entrenched, Litchfield said. Second, every time we discuss this issue at TMT, the main comment I hear is that this is a policy decision, not a technical decision, he said.

So in looking at next steps, what is the next step, from Montana's perspective? Harkless asked. In the past, we have asked the Federal Executives to address this issue, Litchfield said. That's still a possibility for 2006, although I'm not sure it makes the decision any easier. That is obviously one avenue, Peters said; the other option is, is there a modification to the SOR that, while not the full-meal-deal, will provide benefits in September, and would be acceptable to the region? I support going to TMT if they're willing to discuss it in a spirit of cooperation, but if not, there isn't much point in going to TMT.

Peters then asked whether the four lower river tribes would be willing to discuss a compromise operation for the Montana projects. Sure, Heinith replied, but could we also discuss a modified Grand Coulee operation for 2006? No additional water or draft is available from Grand Coulee in 2006, Postlethwait replied. There are two Grand Coulee issues, however, Paul Wagner observed – water volume, and when that water is delivered. The group discussed the potential of extending the Grand Coulee releases into September; Hlebechuk noted that Grand Coulee typically fills about three feet in September. Perhaps we could delay or limit the September refill, Rich Domingue suggested.

This doesn't really get at the real issue, Litchfield observed – what those opposed to the SOR are saying is that any operation has to be flow-neutral through August 31, and extending the draft into September won't accomplish that. Boyce said that, in his opinion, this is a technical discussion that should occur at TMT, or perhaps in an IT subgroup. Would Oregon be willing to consider some sort of a lesser flow from Libby through the end of September, rather than the 18 Kcfs we're currently planning to release? Hlebechuk asked. We're willing to discuss operational possibilities, Boyce replied; I'll also need to discuss that issue with our policy folks, but our staff would be willing to work with others in the region to discuss the technical details of whatever operational alternatives are proposed.

Palensky said NOAA will attempt to develop some operational alternatives that might help meet at least some of Montana's operational objectives for this summer, and will encourage TMT to discuss them in a collaborative way. We need to do this in a way that makes sense to everyone, legally, he said, but we still feel those discussions should continue.

Rhonda Whiting noted that Montana has developed numerous alternatives in the last 10 years. I agree with those who say, let's look at the options, but let's really do it this time, she said. Our governor feels very strongly about this, Whiting said; we need to move forward and come up with some creative solutions. We've been having these discussions for 10 years, she said – it's time to move on. If we're going to resolve this issue, everyone at TMT will have to be flexible, Bagdovitz observed.

Is there anyone at TMT who is unwilling or unable to make that effort for this year? Palensky asked. No objections were raised to this statement. And when does this

issue have to be resolved? Harkless asked, noting that the next regular TMT meeting is scheduled for July 12. As soon as possible, was the reply. You'll know the tenor of the TMT membership the first time you discuss it, Palensky noted – if there is no willingness to cooperate, there's probably no point in bringing it back to IT. I'll put it on the agenda for the July 12 meeting, Harkless said.

4. RM&E Issues.

A. Mainstem/Systemwide Prioritization Team Progress Report. Tom Iverson said he updated the group on this topic a couple of months ago; at that meeting, I noted that we were \$30 million over budget for the mainstem/systemwide projects, he said. We just completed a budget balancing exercise, and that's what I'm here to report on, Iverson said. That process is now completed, and we actually have a small surplus now, he said. Iverson then provided a presentation on this issue, touching on the following topics:

- The Mainstem/Systemwide Review Team's project review process
- The four project categories: coordination/support, monitoring and evaluation, research, and multi-province on-the-ground projects.
- Where does the responsibility break down between Corps-funded and Bonneville-funded projects?
- Specific projects and funding recommendations: all projects in the basinwide category were held at FY'06 funding levels +5%, including the Fish Passage Center alternatives, the lamprey study, bull trout monitoring and other projects.
- The purpose for discussing the review process is to ensure full coordination between the Council and Corps funding processes, and to avoid duplication of effort.
- There is about a \$20 million gap between available funding and planned spending in FY'07. Of the available \$143 million, about \$122 million has already been allocated to basinwide projects, leaving only about \$20 million for other, basin-specific activities. In other words, we have some very difficult decisions ahead, he said. It was suggested that Iverson's team develop a list of the projects that are unlikely to be funded to share with the Council before the final funding decisions are made.
- Projects classified as research have also been held to their FY'06 funding levels; a number of ongoing projects have been scaled back. The Snake River fall chinook study has been scaled back from life-history to overwintering only; the planned NOAA Fisheries ocean study has been scaled back with a recommendation to eliminate the Canadian offshore portions of the ocean studies.
- In the multi-province category, funding for the avian predation, pikeminnow and water acquisitions projects was significantly decreased.
- The off-site mitigation requirements included in the new BiOp will likely have a major impact on project prioritization; significant coordination will be needed to ensure efficient integration with the ongoing funding prioritization processes.

- The Mainstem/Systemwide Review Team's final prioritization and budget recommendations are due out later in July; the Council will make its funding recommendations to Bonneville in October.

B. ISAB Mainstem Peer Review Group. There has been some discussion among NMFS, the upriver and downriver tribes and the Council about the need to establish a subgroup of the ISAB to address mainstem issues in a timelier manner, said Ruff; the full ISAB would continue to address broader-scale, long-term issues.

In response to a question, Ruff said, depending on the outcome of the FPC litigation, PNNL would likely serve an analytical role in this process, while the ISAB would continue in their role as peer reviewers. Iverson noted there is the potential for a link to the Fish Passage Center Oversight Board, as a part of one of the options under consideration in the continued role of the FPC. One participant suggested that there is some concern about possible redundancy in the work that is being done by PNNL and Battelle; Kim Fodrea said BPA isn't overly concerned about that possibility.

C. Pinniped Update. Garth Griffin updated the IT on the outcome of this spring's pinniped harassment work at Bonneville Dam, noting that funding for this effort has become a concern for NOAA. He provided a brief presentation, touching on the following topics:

- More fish passed Bonneville this year than in 2005; the predation rate fell to 2.5% of the spring chinook run
- The number of sea lions observed at Bonneville was about the same in 2006 as it was in 2005, but the animals arrived at the dam sooner this year, and stayed longer
- The hazing program appears to be effective in limiting sea lion predation; the SLEDs were 99% effective in excluding sea lions from the ladders, and did not appear to hinder salmon passage.
- The final report on the 2006 pinniped harassment program is due out later this summer; Griffin said he will provide it to the IT as soon as it is available.
- The States and tribes continue to pursue modification to the Marine Mammal Act to allow lethal take of California sea lions in the Columbia. The States and tribes may also pursue a Ballard Lock type Section 120 authorization to allow the removal or take of specific problem animals. That process could take years, however.
- There was only one observation of a pinniped above Bonneville Dam in 2006; and no salmon take was observed.

5. IT Schedule/Long-Term Strategic Planning.

Palensky distributed an updated IT long-term strategic planning schedule. He noted that there is unlikely to be an August IT meeting, unless unanticipated and pressing issues arise.

6. Next IT Meeting Date.

The next meeting of the Implementation Team will be on Thursday, September 7. Meeting summary prepared by Jeff Kuechle, BPA contractor.
